

**In The Court of Commissioner, Saran Division, Chapra  
Service Appeal No. 110/2012**

**Shambhu Singh  
Vrs.  
D.M. Gopalganj & others**

**ORDER**

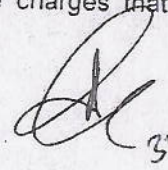
The instant appeal is directed against the impugned order passed by D.M. Gopalganj as contained in memo No. 349/panchayat dt. 01.03.2012 whereby and whereunder the appellant was inflicted with the punishment of reduction to a lower stage in time scale of pay for the post.

The brief facts of the case are that the appellant Shambhu Singh was, at the relevant time, posted as Panchayat sachiv holding the charge of Amarpur panchayat of Sidhwalia block of Gopalganj district. The further case is that one Bhirgun Baitha, Dy Mukhia Amarpur Panchayat lodged a formal complaint in the Janta Darbar of D.M. Gopalganj alleging therein that the said panchayat Sachiv on connivance with the Mukhia committed irregularities in the IAY, BRGF and Panchayat teachers appointment. This led to placing of appellant under suspension vide memo No. 921/c dt. 01.03.11 which was subsequently revoked. Thereafter the D.M. vide memo No. 1657 dt. 24.06.2011 ordered for deptt. proceeding to be initiated against the erring Panchayat Sachiv for the charges framed and Director, DRDA, Gopalganj was made as conducting officer. The conducting officer submitted his enquiry report on 30.08.2011 with the findings that the said panchayat Sachiv purchased the solarlight from the interest amount accrued for the fund of IAY which is not only a case of diversion of fund and termed the same as financial irregularities but also against the set guidelines of IAY. Besides this he also reported that the said panchayat Sachiv also committed irregularities by appointing teaches of other categories on the post meant for urdu teachers. Acting on the said enquiry report, the D.M. vide memo No. 2482/Panchayat dt. 20.12.11 asked second show cause from the delinquent to which he filed on 26.12.11 and on finding that no new facts have been brought for consideration, he finally passed the punishment order.

On being aggrieved by and dissatisfied with the aforementioned punishment order, the appellant has preferred this appeal before this Court.

Heard the parties.

The learned counsel appearing on behalf of the appellant submitted that the impugned order of punishment is arbitrary as the very basis of allegations on which the charges were framed are baseless and far from truth. He further argued that the charges that the

  
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petitioner has committed irregularities by diverting the interest amount of IAY fund and the same is contrary to the guidelines of IAY, is not correct in view of the fact that in the meeting of Zila Prishad held on 24.02.09 in which the then Director, DRDA had orally ordered that from the interest accrued from IAY fund may be used for purchasing Solar light to be installed in the SC Tola of the Panchayat. As such the Solar light were installed which can not be a case of financial irregularities. Regarding second charge of appointing others in place of urdu teachers in the panchayat, the learned counsel sated that it was he who was not only responsible for such irregularities rather the other members of the selection committee were also responsible and the said appointment was approved by the concerned BDO. As such the appellatant can not be held solely responsible for the irregularities. The learned counsel lastly prayed that the impugned order be set aside and this appeal be allowed.


The learned G.P. appearing on behalf of the state submitted that the impugned order of D.M. Gopalganj is just and proper having no illegality or procedural defect so as to require any interference from this Court.

Considering the facts and circumstances of the case, material available on records and on going through the impugned order it is seen that the allegation against the appellatant are of some serious magnitude in view of the fact that the charges itself speaks a lot. The first charge relates to diversion of fund of IAY without having any approval from the competent authority. The learned counsel although argues that the same has been done on the oral order of Director DRDA, but he failed to file any documentary evidence like copy of order or any circular to substantiate his plea despite that sufficient time was granted to him after hearing the case. Regarding other allegation of irregularity in the appointment of teachers, the argument of the appellatant that he alone cannot be held responsible, may be true but this in no way diminishes his own responsibility rather it is his admission of the charges. It could be a separate case to proceed against other persons involved in this matter but this in no way can be an alibi to exonerate the appellatant.

In view of this and finding no infirmity in the impugned order of the DM, Gopalganj, the same is upheld and the appeal is accordingly rejected.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra

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Commissioner  
Saran Division, Chapra